

VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING COMMISSION STAFF REPORT

PROJECT NUMBER: VAR22-0001
PROJECT NAME: Fence Setback Reduction
ADDRESS/LOCATION: 1990 CHIPPENDALE RD
REQUEST: VARIATION - RESIDENTIAL
OWNER/OWNER: ROSALINDA FELIX & ALEJANDRO DE LA TORRE
PROPERTY SIZE: 0.25 Acres
ZONING / LAND USE: R-4 One-Family Residential
ADJACENT PROPERTIES: NORTH: R-4 One-Family Residential
SOUTH: R-4 One-Family Residential
EAST: R-4 One-Family Residential
WEST: R-4 One-Family Residential
PZC MEETING DATE: 7/6/2022
PUBLIC HEARING: YES
STAFF ASSIGNED: Kevin Anderson, Associate Planner

REQUESTED MOTIONS

Variation from the corner side yard fence setback for the property at 1990 Chippendale Road

BACKGROUND

The subject property, approximately 10,800 square feet, is currently improved with one single family residence. The rear yard is currently fenced in with a 6-foot wood privacy fence. The existing fence located on the corner side lot line is adjacent to the Hassell Road right-of-way. The Petitioners are proposing to remove and replace the existing fence in the same location. The Zoning Code requires fences to be setback a minimum of 5 feet from a corner side lot line and outside of the sight distance triangle. Therefore, the Petitioners' request requires a Variation.

ANALYSIS

- The subject property is currently improved with a 6-foot wood privacy fence surrounding the rear yard of the property. The existing fence located along the corner side yard (north lot line) is located on the property line. The Petitioner is proposing to remove and replace the 6' wood privacy fence in the same location as the existing.
- Pursuant to the Zoning Code Section 9-3-3-C-2-B; "fences on lots where the rear yard is adjacent to a driveway located on the adjoining property may install a fence provided the fence shall be located a

minimum of five (5) feet from the corner side lot line, and shall not encroach into the sight triangle on either side of a driveway, each leg of which is a distance of fifteen (15) feet.”

- The adjoining property to the west is improved with a single-family residence with a related driveway. The driveway is adjacent to the subject property at 1990 Chippendale and is within approximately 13 feet of the shared lot line.
- Due to the location of the neighboring driveway in relation to the shared lot line, the proposed fence at 1990 Chippendale is required to be setback 5 feet from the corner side lot line and outside of the sight distance triangle.
 - If the Variation is approved, the line-of-sight triangle would be 13 feet whereas the Code would require 15 feet. Planning staff has reviewed the fence location for safety and determined it to be acceptable for vehicle visibility based on the current conditions.
- There are only two single-family properties along Hassell Road to which Section 9-3-3-C-2-B would apply. These include the subject property and the lot at 1215 Hassell Circle. The property at 1215 Hassell Circle also currently has a fence that would require a Variation if it were to be reconstructed in its current location.
- There are multiple properties which have a corner side lot line along Hassell Road, but these are all lots which are platted ‘rear lot line to rear lot line’ which allows fences to be within 1 foot of the corner side lot line. There are also multiple properties which have rear lot lines abutting the Hassell Road right-of-way. Along the Hassell Road corridor, all residential fences except one are constructed 0 to 1 feet from the lot line.

STANDARDS FOR A VARIATION

Section 9-1-15 of the Zoning Code – *Standards for a Variation* - states that the Planning and Zoning Commission shall not recommend the adoption of a proposed variation unless it finds that the variation meets the Standards for Variations as set forth in the Zoning Code.

1. The Planning and Zoning Commission shall not recommend the variation of the regulations of the Code unless it shall first make a finding based upon the evidence presented to it in each specific case that:
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located;
 - b. The plight of the owner is due to unique circumstances;
 - c. The variation, if granted, will not alter the essential character of the locality.
2. For the purpose of implementing the above rules, the Planning and Zoning Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence;
 - a. The particular physical surroundings, shape of topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - b. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification;

- c. The purpose of the variation is not based exclusively upon a desire to increase the value of the property;
 - d. The alleged difficulty or hardship has not been based exclusively upon a desire to increase the value of property;
 - e. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.
3. The Planning and Zoning Commission may recommend to the Village Board that such conditions and restrictions be imposed upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Code.

If this request is approved, the variation ordinance would be granted to the property in perpetuity or until otherwise amended or dissolved by a future ordinance.

RECOMMENDED CONDITIONS

If the Planning and Zoning Commission recommends approval of the request, staff recommends the following conditions be included:

1. The building permit shall be obtained within twelve (12) months of the Village Board action on this request.
2. The fence shall significantly conform to the attached plans except as such plans may be changed to conform to Village Codes and Ordinances.

Attachments: Petitioner's Application and Submittal
Location Map

Exhibit A
1990 Chippendale
PIN: 07-09-110-007-0000



- Parcels
- Subject Property





VILLAGE OF HOFFMAN ESTATES
PLANNING AND ZONING
GENERAL APPLICATION

PROJECT NAME: Fence
ADDRESS: 1990 Chippendale Rd
PROPERTY INDEX NO.: 07-09-110-007-0000
PROPERTY ACRES: _____ ZONING: _____
PROJECT DESCRIPTION: reconstruction of fence

REQUESTS BEING MADE (check all that apply):

Application Type	Subtype	Addendum
<input type="checkbox"/> ANX - Annexation	N/A	N/A
<input type="checkbox"/> MSP - Master Sign Plan	<input type="checkbox"/> New <input type="checkbox"/> Amendment	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> PLAT - Subdivision	<input type="checkbox"/> Non-Residential Preliminary <input type="checkbox"/> Non-Residential Final <input type="checkbox"/> Non-Residential Preliminary/Final	<input type="checkbox"/> Residential Preliminary <input type="checkbox"/> Residential Final <input type="checkbox"/> Residential Preliminary/Final N/A
<input type="checkbox"/> PLAT - Other	Type _____	N/A
<input type="checkbox"/> RPD Amendment	N/A	N/A
<input type="checkbox"/> REZ - Rezoning	From _____ to _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SPR - Site Plan Review	<input type="checkbox"/> Preliminary Concept <input type="checkbox"/> Preliminary	<input type="checkbox"/> Final <input type="checkbox"/> Preliminary/Final <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SPA - Site Plan Amendment	<input type="checkbox"/> Staff Review <input type="checkbox"/> Administrative Review	<input type="checkbox"/> Minor Amendment <input type="checkbox"/> Major Amendment <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SU - Special Use	<input type="checkbox"/> Listed Use (please list) _____	<input type="checkbox"/> Use Not Cited (please list) _____ <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> TA - Text Amendment	<input type="checkbox"/> Subdivision Code <input type="checkbox"/> Zoning Code	<input type="checkbox"/> Other (please list) _____ N/A
<input checked="" type="checkbox"/> VAR - Variation	<input type="checkbox"/> Non-Residential <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I. Owner of Record

Rosalinda/Alejandro De la Torre
Name Company

1990 Chippendale Rd
Street Address City

IL 60169 (847) 323-8525 rsIndFelix@yahoo.com
State Zip Code Telephone Number Email

II. Applicant (if not the owner)

Name Firm/Company

Street Address City

State Zip Code Telephone Number Email

Applicant's relationship to property: _____

III. Authorized Agent on Behalf of the Owner or Applicant

Name Firm/Company

Street Address City

State Zip Code Telephone Number Email


IV. Owner Consent for Authorized Representative

It is required that the property owner or designated representative be at all requests before the Planning and Zoning Commission (PZC). During the course of the meeting, questions may arise regarding the overall site, site improvements, special conditions to be included in a PZC recommendation, etc. The representative present must have knowledge of the property and have the authority to make commitments to comply with any and all conditions included in the PZC recommendations. Failure to have the owner or designated representative present at the meeting can lead to substantial delays in the hearing process. If the owner cannot be present at the meeting, the following statement must be signed by the owner:

I understand the requirement for the owner or an authorized representative to be present at the meeting with full authority to commit to requests, conditions and make decisions on behalf of the owner. I hereby authorize the following person(s)/firm(s) to act on my behalf and advise that he/she has full authority to act as my/our representative.

Name/Firm Name/Firm

Name/Firm Name/Firm

 Rosalinda Felix
Owner Signature Print Name

IV. Acknowledgement(s)

- Owner, applicant and authorized representatives may include other team members (consultants, brokers, tenants, etc.) that may be called upon to present at public meetings before the Planning and Zoning Commission and Village Board.
- Applicant acknowledges, understands and agrees that under Illinois law, the Village President (Mayor), Village Trustees, Village Manager, Corporation Counsel and/or any employee or agent of the Village or any Planning and Zoning Commission member or Chair, does not have the authority to bind or obligate the Village in any way and therefore cannot bind or obligate the Village. Further, Applicant acknowledges, understands and agrees that only formal action (including, but not limited to, motions, resolutions and ordinances) by the Board of Trustees, properly voting in an open meeting, can obligate the Village or confer any rights or entitlement on the applicant, legal, equitable or otherwise.
- Planning and Zoning Commission members and Village Staff often conduct inspections of subject site(s) as part of the pre-hearing review of requests. These individuals will be carrying official Village identification cards that can be shown upon request.

The Owner and Applicant, by signing this Application, certify to the correctness of the application and all submittals.

Owner's Signature: 

Owner's Name (Please Print): Rosalinda Felix

Applicant's Signature: _____
(If other than Owner)

Applicant's Name (Please Print): _____

Date: 5/23/22

IV. Application and Document Submittals

All required application materials should be submitted to the Planning & Transportation Division in electronic format via email to planning@hoffmanestates.org. Staff will notify the applicant if full size plan submittals are also required for a particular project review. Submittal requirements can be found in Subdivision Code, Section 10-6 of the Village's Municipal Code.

All applications fees must be paid before the Planning and Zoning Commission can hear any case.

Please contact the Planning & Transportation Division with any questions:

Email: planning@hoffmanestates.org
Address: 1900 Hassell Road
Hoffman Estates, IL 60169
Phone: (847) 781-2660



VILLAGE OF HOFFMAN ESTATES PLANNING AND ZONING COMMISSION VARIATION ADDENDUM

Commercial Residential Sign

REQUIRED SUBMITTALS

- General Application
- Variation Hearing Fee: (Checks payable to the Village of Hoffman Estates)
Commercial: \$500.00 per Variation*
Residential: \$175.00
Sign: \$500.00 per Sign
- Legal Description
(Typically found on a tax bill, survey, mortgage documents or deed)
- Current Plat of Survey drawn to scale showing the proposed improvement(s) and distance(s) from existing structures and property lines. For sign variations, ALL signs should be shown and labeled on the plat including the sign(s) for which the variation is being requested.
- A scale drawing of the floor plan and elevations, including windows and door locations.
- A Project Narrative detailing the variation request including whether there are other options that would not require a variation, proposed construction materials, whether removal/relocation of trees, utilities will be required and the estimated total project cost. Include any relevant plans, documents, photos to support the request.
- If any part of your existing and/or proposed use is located in any part of a utility easement, written release(s) from the Village or utility company may be required; contact the Planning Division for information.
- For residential variations only: You are encouraged to discuss your variation request with your neighbors and have them a Statement of Awareness acknowledging their awareness of your proposal. Statement of Awareness forms can be found on the Village's Planning Documents & Applications webpage or can be provided by Staff.

* *Some commercial requests require the posting of a notification sign(s) on the property 10 days before the Planning & Zoning Commission hearing and removal of the sign(s) 10 days after final Village Board action. Should your request require a notification sign, the specific requirements will be provided by Planning Staff.*

Zoning Code Section 9-1-15-C-2 of the Municipal Code requires that the Planning and Zoning Commission shall, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence. (Respond to each standard as it applies to your request either below or address on a separate sheet)

1. The particular physical surroundings, shape of topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

The replacement of the fence will not cause a hardship or inconvenience on the contrary we need it for safety.

2. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification.

not that we know of.

3. The purpose of the variation is not based exclusively upon a desire to increase the value of the property.

no

4. The alleged difficulty or hardship has not been based exclusively upon a desire to increase the value of property.

no

5. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

no

6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood.

no

Variation Addendum Proposal

Property Address
1990 Chippendale Rd
Hoffman Estates, IL 60169

May 23, 2022

We propose to remove and replace the existing fence for a new wood fence. We proposed not to have it reduced to any other dimensions as to what is now.

The reason we bought this property is because it is on the corner which has more space outside, even more because the back yard space we have now is perfect for outside activities with the family. During the 12 years we have lived here we have had the opportunity to enjoy holidays, family and friends gatherings in the backyard. It perfectly accommodates our necessities.

As a family we need a safe private place for our children especially because our house is on a corner and is heavily traveled by pedestrians and pets. For us it is of great importance to have a safe and private space in the comfort of our home. There is a shed on the south side of our back yard and a tree in the middle of the yard, we really would not have any free space left. This is why we do not agree to the city regulations of reducing the space of our back yard.

Our intentions is keep our house fence in a good looking conditions and safe. We are not trying to increase the property values or make any changes to the neighborhood nor causing any problems for our neighbors. Please know that there will be no need to remove or relocate any trees or utility lines. We will replace it with 8' wide wood panels following the Village of Hoffman Estates regulations. The estimate cost for this project is about \$4,500.

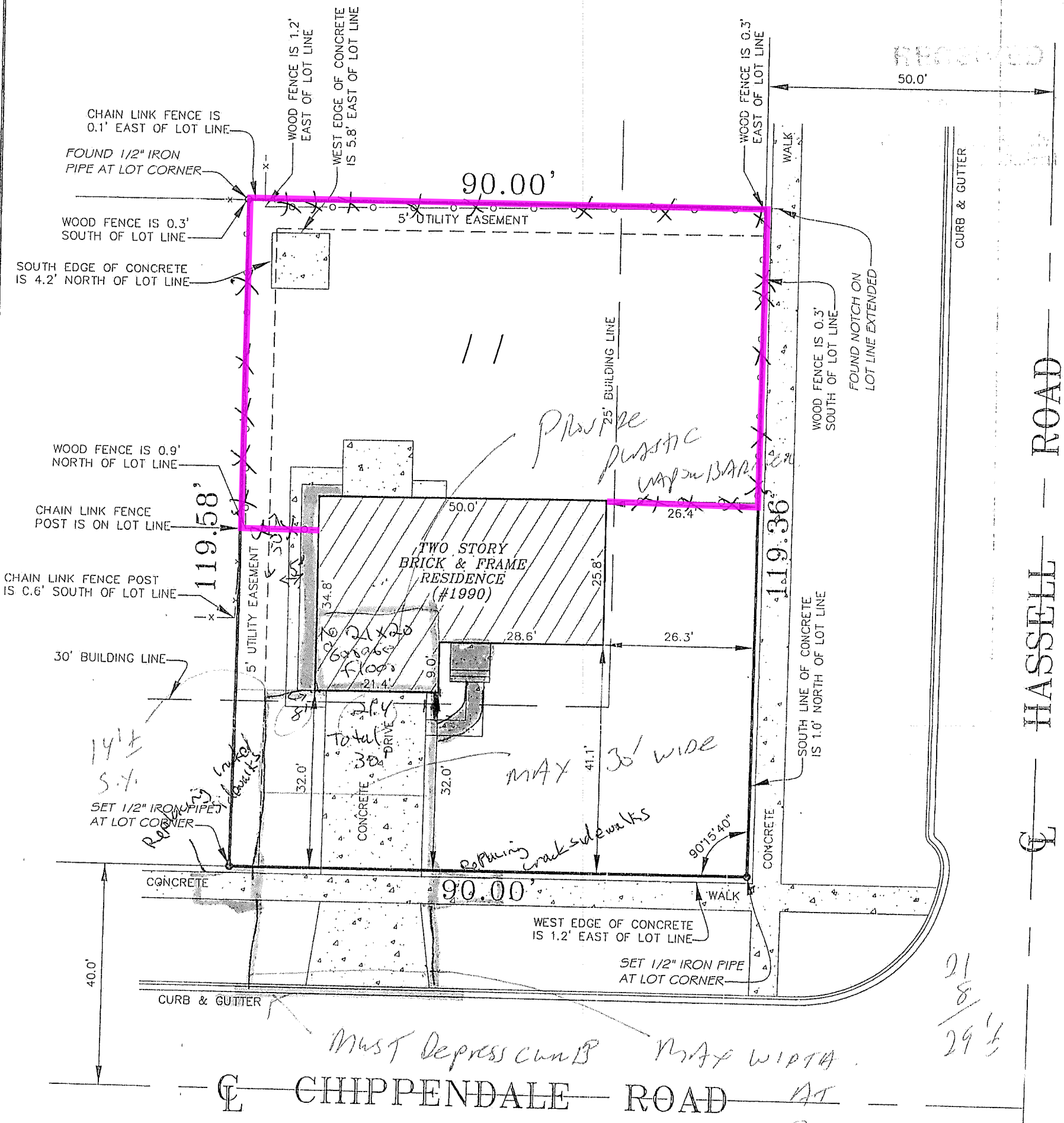
We are proud to live in this great peacefully and neat neighborhood. If the variation permit is not granted the fence will remain as it is, which is about to fall and it will be a danger for us, people who pass near and pets, most important our house will not be the safeties place for us and our family, we will be left out with no privacy space outside our home. Please consider this letter for the approval to replace the fence as it is now in the same location, Thank you for your understanding.

1990 Chippendale

PLAT OF SURVEY

OF

LOT 11 IN BLOCK 208 IN THE HIGHLANDS WEST AT HOFFMAN ESTATES XXIII, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF FRACTIONAL SECTION 5 AND PART OF THE NORTHEAST 1/4 OF SECTION 8 AND PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



Provide plastic wrap on BAR

MAX 30' wide

RePlacing crack sidewalks

Must depress curb Max width

Street 32'

21 8 / 29 1/2

LEGEND

- (R/M) - RECORD / MEASURED
- L - ARC LENGTH
- R - RADIUS
- CH - CHORD

AREA = 10,752 SQ. FT. MORE OR LESS



NORTH

SCALE: 20'

PREPARED FOR: ANDREW J. RUKAVINA (ATTORNEY AT LAW)
 JOB ADDRESS: 1990 CHIPPENDALE RD., HOFFMAN ESTATES, IL
 SELLER/BUYER: KNAPIK
 JOB NO.: 08-11-0003

NEKOLA SURVEY, INC.

PROFESSIONAL LAND SURVEYING SERVICES
 WWW.NEKOLASURVEY.COM
 400 N. SCHMIDT RD., STE. 203
 BOLINGBROOK, ILLINOIS 60440
 (630) 226-1530 PHONE (630) 226-1430 FAX

FIELD WORK COMPLETED ON THE 17TH DAY OF NOVEMBER, 2008.

(STATE OF ILLINOIS)
(COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 18TH DAY OF NOVEMBER, 2008.

Wayne W. Nekola

PLS No. 2923
LICENSE RENEWAL DATE: 30 NOVEMBER 2010.

- "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.
 NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.